



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 399

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 399 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Lieutenant Governor Vacancy Act.

6 Section 5. Definitions. As used in this Act:

7 (a) The term "position of Lieutenant Governor" refers to  
8 the position in State government created by that name in the  
9 Illinois Constitution.

10 (b) The term "Office of the Lieutenant Governor" refers to  
11 the administrative entity of that name which is under the  
12 direction of the Lieutenant Governor and assists in carrying  
13 out the duties and affairs of the Lieutenant Governor.

14 Section 10. Purpose. It is the purpose of this Act to  
15 provide for the exercise of the powers and duties of the

1 Lieutenant Governor and the administration of the Office of the  
2 Lieutenant Governor during periods when the position of  
3 Lieutenant Governor is vacant.

4 Section 15. Powers of the Lieutenant Governor.

5 (a) Whenever the position of Lieutenant Governor is vacant,  
6 the Governor shall assume and exercise the powers and duties of  
7 the Lieutenant Governor that are prescribed by law or have been  
8 delegated by the Governor to the Lieutenant Governor. The  
9 Governor may delegate the exercise of any such power or duty to  
10 an appropriate State officer or agency under the jurisdiction  
11 and control of the Governor for so long as the position of  
12 Lieutenant Governor remains vacant. For purposes of Section 9b  
13 of the State Finance Act, an officer or agency that is  
14 delegated activities is considered a successor.

15 (b) While the position of Lieutenant Governor is vacant,  
16 appropriations to the Lieutenant Governor, if any, may be  
17 obligated and expended by the Governor for the purposes  
18 specified in those appropriations that are for powers or duties  
19 that are not delegated. Those obligations and expenditures  
20 shall continue to be accounted for as obligations and  
21 expenditures of the Lieutenant Governor.

22 Section 20. Office of the Lieutenant Governor.

23 (a) While the position of Lieutenant Governor is vacant,  
24 the Governor may suspend any or all the activities of the

1 administrative entity known as the Office of the Lieutenant  
2 Governor and delegate those activities to one or more  
3 appropriate State officers or agencies under the jurisdiction  
4 and control of the Governor for so long as the position of  
5 Lieutenant Governor remains vacant. For purposes of Section 9b  
6 of the State Finance Act, an officer or agency that is  
7 delegated activities is considered a successor.

8 (b) If the Governor does not suspend all of the activities  
9 of the Office of the Lieutenant Governor while the position of  
10 Lieutenant Governor is vacant, the Office shall continue in  
11 existence, under the direction of the Governor, as appropriate  
12 to carry out the activities of the Office, and appropriations  
13 to the Office of the Lieutenant Governor, if any, may be  
14 obligated and expended, with the approval of the Governor, for  
15 the purposes specified in those appropriations that are for  
16 activities that are not delegated. Those obligations and  
17 expenditures shall continue to be accounted for as obligations  
18 and expenditures of the Office of the Lieutenant Governor.

19 Section 25. Contracts; employment.

20 (a) The assumption or delegation of powers and duties under  
21 this Act shall not be deemed to change the terms or conditions  
22 of any contract, except that references in any contract to the  
23 Lieutenant Governor or the Office of the Lieutenant Governor  
24 may be deemed to refer to the Governor or other person or  
25 entity exercising the powers and duties of the Lieutenant

1 Governor or the Office of the Lieutenant Governor with respect  
2 to that contract pursuant to this Act.

3 (b) The assumption or delegation of powers and duties under  
4 this Act shall not by itself be deemed to change any condition  
5 or status of employment; but in exercising such powers and  
6 duties the Governor shall have all the powers of the Lieutenant  
7 Governor to supervise, direct, and reorganize the Office of the  
8 Lieutenant Governor and its employees.

9 (c) In the course of exercising any power or duty of the  
10 Lieutenant Governor that has been assumed by or delegated to a  
11 person under Section 15 or 20 of this Act, the person is not  
12 "serving as Lieutenant Governor" for the purposes of the  
13 Illinois Pension Code.

14 Section 30. Resumption of powers. When the position of  
15 Lieutenant Governor ceases to be vacant, the powers and duties  
16 assumed by the Governor under this Act, including any such  
17 powers that have been delegated by the Governor to a State  
18 employee, officer, or agency, shall once again be assumed and  
19 exercised by the Lieutenant Governor.

20 Section 35. Repeal. The Lieutenant Governor Vacancy Act  
21 (Sections 1 through 35) is repealed on January 10, 2011.

22 Section 90. The Executive Reorganization Implementation  
23 Act is amended by changing Sections 3.1 and 5.5 as follows:

1 (15 ILCS 15/3.1) (from Ch. 127, par. 1803.1)

2 Sec. 3.1. "Agency directly responsible to the Governor" or  
3 "agency" means any office, officer, division, or part thereof,  
4 and any other office, nonelective officer, department,  
5 division, bureau, board, or commission in the executive branch  
6 of State government, except that it does not apply to any  
7 agency whose primary function is service to the General  
8 Assembly or the Judicial Branch of State government, or to any  
9 agency administered by the Attorney General, Secretary of  
10 State, State Comptroller or State Treasurer. In addition the  
11 term does not apply to the following agencies created by law  
12 with the primary responsibility of exercising regulatory or  
13 adjudicatory functions independently of the Governor:

14 (1) the State Board of Elections;

15 (2) the State Board of Education;

16 (3) the Illinois Commerce Commission;

17 (4) the Illinois Workers' Compensation Commission;

18 (5) the Civil Service Commission;

19 (6) the Fair Employment Practices Commission;

20 (7) the Pollution Control Board;

21 (8) the Department of State Police Merit Board;

22 (9) the Historic Preservation Agency.

23 (Source: P.A. 93-721, eff. 1-1-05.)

24 (15 ILCS 15/5.5)

1           Sec. 5.5. Executive order provisions superseded.

2           (a) Executive Order No. 2003-9, in subdivision II(E),  
3 provides in part: "All such personnel shall initially  
4 constitute probationary employees under the Personnel Code.  
5 The Department of Central Management Services shall establish a  
6 procedure for qualification and retention of personnel in  
7 accordance with the Personnel Code.". This language, which  
8 violates Section 4 of this Act and contravenes applicable  
9 provisions of the Personnel Code, is hereby superseded and of  
10 no force or effect. The status and rights of employees under  
11 the Personnel Code who are transferred by Executive Order No.  
12 2003-9 shall not be affected by the reorganization under that  
13 Order.

14           (b) Executive Order No. 2003-10, subdivision I(C),  
15 provides: "The statutory powers, duties, rights,  
16 responsibilities and liabilities regarding internal auditing  
17 by agencies, offices, divisions, departments, bureaus, boards  
18 and commissions directly responsible to the Governor derive  
19 from, among others, the Fiscal Control and Internal Auditing  
20 Act, 30 ILCS 10/1001 et seq., and the Illinois State Auditing  
21 Act, 30 ILCS 5/1-1 et seq.". Executive Order No. 2003-10  
22 addresses only internal auditing functions and does not address  
23 external auditing functions or the powers of the Auditor  
24 General. The reference to the Illinois State Auditing Act is  
25 therefore incorrect, and that reference is hereby superseded  
26 and of no force or effect.

1           (c) Executive Order No. 2003-10, subdivision I(D),  
2 provides: "Staff legal functions across agencies shall be  
3 transferred from individual agencies to the Department of  
4 Central Management Services. Legal functions specific to each  
5 particular agency may remain at that agency.". This transfer of  
6 legal functions was intended to be and is hereby limited to  
7 legal technical advisor functions related to procurement and  
8 personnel issues across agencies. All other legal functions at  
9 an agency, including those related to issues particular to the  
10 agency, and legal functions performed by assistant attorneys  
11 general under the direction and control of the Attorney  
12 General, shall remain at that agency. To the extent that the  
13 language of subdivision I(D) of Executive Order No. 2003-10 may  
14 be construed to conflict with this subsection (c), that  
15 language in Executive Order No. 2003-10 is hereby superseded.

16           If any legal personnel (or their associated records or  
17 property) have been transferred from an agency to the  
18 Department of Central Management Services under the apparent  
19 direction of Executive Order No. 2003-10 but contrary to the  
20 provisions of this subsection (c), those legal personnel (and  
21 their associated records and property) shall be immediately  
22 transferred back to the original agency from the Department of  
23 Central Management Services.

24           (d) Executive Order No. 2003-11, in subdivisions II(B) and  
25 II(D), provides in part: "All such personnel shall initially  
26 constitute probationary employees under the Personnel Code.

1 The Department of Central Management Services shall establish a  
2 procedure for qualification and retention of personnel in  
3 accordance with the Personnel Code.". This language, which  
4 violates Section 4 of this Act and contravenes applicable  
5 provisions of the Personnel Code, is hereby superseded and of  
6 no force or effect. The status and rights of employees under  
7 the Personnel Code who are transferred by Executive Order No.  
8 2003-11 shall not be affected by the reorganization under that  
9 Order.

10 (e) Executive Order No. 2003-12, in subdivision II(B),  
11 provides in part: "All such personnel shall initially  
12 constitute probationary employees under the Personnel Code.  
13 The Department of Central Management Services shall establish a  
14 procedure for qualification and retention of personnel in  
15 accordance with the Personnel Code.". This language, which  
16 violates Section 4 of this Act and contravenes applicable  
17 provisions of the Personnel Code, is hereby superseded and of  
18 no force or effect. The status and rights of employees under  
19 the Personnel Code who are transferred by Executive Order No.  
20 2003-12 shall not be affected by the reorganization under that  
21 Order.

22 (f) Executive Order No. 09-06, filed April 1, 2009, is  
23 hereby superseded and of no force or effect.

24 (Source: P.A. 93-586, eff. 8-22-03.)

1 Section 92. The Department of Central Management Services  
2 Law of the Civil Administrative Code of Illinois is amended by  
3 repealing Section 405-500.

4 Section 93. The Department of Commerce and Economic  
5 Opportunity Law of the Civil Administrative Code of Illinois is  
6 amended by changing Section 605-111 as follows:

7 (20 ILCS 605/605-111) (was 20 ILCS 605/46.34a)

8 Sec. 605-111. Transfer relating to the Illinois Main Street  
9 Program. To transfer ~~assume~~ from the Department to the Office  
10 of the Lieutenant Governor on July 1, 2009 ~~1999~~, all personnel,  
11 books, records, papers, documents, property both real and  
12 personal, and pending business in any way pertaining to the  
13 Illinois Main Street Program. All personnel transferred  
14 pursuant to this Section shall receive certified status under  
15 the Personnel Code. Executive Order 09-08, filed April 1, 2009,  
16 is hereby superseded and has no force or effect.

17 (Source: P.A. 91-25, eff. 6-9-99; 92-16, eff. 6-28-01.)

18 Section 95. The Gifts and Grants to Government Act is  
19 amended by changing Section 1 as follows:

20 (30 ILCS 110/1) (from Ch. 127, par. 168-81)

21 Sec. 1. The Governor, Lieutenant Governor, Attorney  
22 General, Secretary of State, Comptroller and Treasurer may

1 accept monetary gifts or grants from any nongovernmental  
2 source, upon such terms and conditions as may be imposed, and  
3 may expend, subject to appropriation, such gifts or grants for  
4 any purpose necessary or desirable in the exercise of the  
5 powers or the performance of the duties of their offices.

6 ~~Until January 11, 1999, while the office of Lieutenant~~  
7 ~~Governor is vacant, the powers and duties of the Lieutenant~~  
8 ~~Governor under this Act shall be carried out as provided in~~  
9 ~~Section 67.35 of the Civil Administrative Code of Illinois~~  
10 ~~(renumbered; now Section 405-500 of the Department of Central~~  
11 ~~Management Services Law, 20 ILCS 405/405-500).~~

12 (Source: P.A. 90-609, eff. 6-30-98; 91-239, eff. 1-1-00.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."